UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

THIRD COMMITTEE
5th meeting
held on
Friday, 18 October 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

CONTENTS

AGENDA ITEM 101: CRIME PREVENTION AND CRIMINAL JUSTICE

AGENDA ITEM 102: INTERNATIONAL DRUG CONTROL

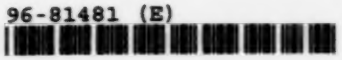
AGENDA ITEM 158: QUESTION OF THE ELABORATION OF AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/51/SR.5
4 September 1997
ENGLISH
ORIGINAL: FRENCH

96-81481 (E)



The meeting was called to order at 10 a.m.

AGENDA ITEM 101: CRIME PREVENTION AND CRIMINAL JUSTICE (A/51/3 (Parts I and II), A/51/327, A/51/208-S/1996/543, A/51/357, A/51/450; A/C.3/51/L.2, A/C.3/51/L.3)

AGENDA ITEM 102: INTERNATIONAL DRUG CONTROL (A/51/3 (Parts I and II), A/51/68, A/51/87, A/51/93, A/51/208-S/1996/543, A/51/129-E/1996/53, A/51/295, A/51/375, A/51/437, A/51/436, A/51/469)

AGENDA ITEM 158: QUESTION OF THE ELABORATION OF AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME (continued) (A/C.3/51/7)

1. Mr. GIACOMELLI (Director-General of the United Nations Office at Vienna and Executive Director of the United Nations International Drug Control Programme), introducing agenda items 101, 158 and 102, said that, as a result of globalization, there were closer linkages between drug abuse and drug trafficking, on the one hand, and organized crime, on the other. They constituted a major threat to the safety of individuals and States, causing corruption and bringing suffering to people worldwide. To ensure social stability and advancement towards peace, sustainable development and social progress, coordinated action at the global level was needed to combat those problems. The foregoing considerations and a concern for efficiency had led the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice to take measures to achieve close coordination between the two programmes concerned in order to optimize the use of the limited resources available.

2. He called the attention of delegations to six core elements in the reports in documents A/51/327 and A/51/450. Firstly, the operational links between the United Nations Crime Prevention and Criminal Justice Programme and the United Nations International Drug Control Programme (UNDCP) needed to be strengthened. To that end, a joint programme to combat money-laundering had been launched and joint activities had been undertaken in the area of legal assistance.

3. Secondly, in view of the limited number of responses received, he urged those countries which had not already done so to inform the Secretariat of the measures they had taken to implement the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

4. Thirdly, during its fifth session, the Commission on Crime Prevention and Criminal Justice had expressed support for the activities of the Crime Prevention and Criminal Justice Division and suggestions had been made that the operational capacities of the Division should be strengthened. The Commission had suggested that the Division should gather information on money-laundering, determine the best practices for dealing with organized transnational crime, and elaborate both an international plan of action against corruption and practical measures aimed at eliminating violence against women. The Commission had also addressed the prevention of illicit trafficking in children and their sexual exploitation, an issue which was of increasing concern to the international community, as evidenced by the debate at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm. The Commission had begun

preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and expressed satisfaction at the new format and method of organization introduced during the preceding Congress. He urged those States which had not already done so to submit their views on the organization of the Tenth Congress before 15 December 1996. The Commission had also defined the basic principles for the enhancement of international cooperation in the field of crime prevention and criminal justice. It was of particular importance that the General Assembly should adopt both the text of the United Nations Declaration on Crime and Public Security recommended by the Commission, provide guidance regarding its implementation and the International Code of Conduct for Public Officials drawn up by the Commission.

5. Fourthly, as they had committed themselves to doing in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, many Governments had already taken measures to address the problem jointly. The Government of Poland had recently proposed a United Nations Framework Convention against Organized Crime, which was being discussed under agenda item 158. There was growing support for the view that international commitment with treaty obligations was needed to combat organized crime.

6. Fifthly, in resolution 50/146, the General Assembly had reaffirmed the importance of the technical cooperation and assistance provided by the Division. Countries now requested the Division to provide not only needs assessments or short-term advisory services, but also operational activities and training. While the Division had been able to provide technical support for United Nations peacekeeping operations, it had had to postpone other projects because of a lack of funds. To address that concern, at the latest session of the Commission on Crime Prevention and Criminal Justice, he had suggested that interested Member States might consider working together in an informal group to address issues regarding technical assistance, resource mobilization, coordination and strategic management. In its resolution 5/3 on the strategic management of the Programme, the Commission had decided to exercise more vigorously its mandated functions of resource mobilization and to establish an informal consultative group for that purpose. The first meeting of the group was to be held in Vienna in October 1996.

7. Sixthly, the United Nations Crime Prevention and Criminal Justice Programme would attain its objectives only with the collaboration of Governments and if it was assured of stable human and financial resources. Member States had recognized that fact by adopting General Assembly resolution 50/146, in which the General Assembly welcomed the proposed strengthening of the Programme by upgrading the Crime Prevention and Criminal Justice Branch into a division, with two additional professional posts (P-3). Although the Branch had indeed been upgraded, the Programme was operating with fewer resources than the previous year owing to the financial crisis of the United Nations.

8. Turning to agenda item 102, he recalled that since the adoption in 1990 of the United Nations System-wide Action Plan on Drug Abuse Control and the establishment, in 1991, of the United Nations International Drug Control Programme (UNDCP), the "drug abuse control" dimension was included as an integral part, where appropriate, of the programme of work of United Nations bodies. The priority attached to the drug problem had been reaffirmed at the

high-level segment of the Economic and Social Council in June 1996. On that occasion, Member States had reiterated their determination to combat the scourge.

9. However, despite such declarations of intent, there was reason to wonder whether drug control remained a real priority for States. Indeed, several Governments had reduced the share of their budgets allocated for such action. It was also a matter of concern that only a small number of Governments had implemented the 1988 Convention. Moreover, although UNDCP had assisted many Governments in drafting drug control laws, it remained to be seen whether those same Governments had provided the resources required to implement drug control programmes in an effective and sustainable manner and whether policies addressed drug abuse and illicit traffic in a balanced fashion, as the General Assembly had requested. Governments clearly undermined the credibility of the drug control system by adopting an ambiguous attitude in that regard. In order to confront drug barons forcefully and protect youth from the scourge of drug abuse, States and their institutions must remain a credible force.

10. In the light of the foregoing, the special session of the General Assembly on drugs to be held in 1998 should provide an opportunity for a number of measures, including in particular: to review international drug control instruments and the System-wide Action Plan; to take stock of what had been achieved by the international community; to express a firm commitment to take concerted multilateral action; to address new threats, such as those arising from illicit trafficking and the abuse of stimulants; and, lastly, to confirm the high priority assigned by States to international drug control and to allocate the resources required for that purpose.

11. Above all, the special session should serve as an opportunity to emphasize the implementation of existing or new measures which might be adopted. In that regard, it was essential to identify a methodology for monitoring the implementation of drug control instruments that was acceptable to Member States. Lastly, the fight against drugs must become a veritable crusade involving not only Governments, but also all sectors of civil society.

12. In April 1996, Member States had supported a resolution of the Commission on Narcotic Drugs to broaden the resource base of UNDCP, which currently was funded by a handful of Governments. At the 1998 special session, countries should demonstrate through concrete action that they were aware of their collective responsibility to combat a scourge which endangered individuals, society at large and nations.

13. Mr. WISSA (Egypt), speaking on agenda item 102, said that drug abuse had such severe consequences that the international community was under the obligation to react against it. At the most recent session of the Economic and Social Council, it had been pointed out that progress would be made only if the measures and the strategies which had been adopted were implemented.

14. The participation of all States, from the North as well as the South, was indispensable in order to organize regional and international cooperation, which was crucial to the implementation of the programmes established to combat the scourge. All States should adhere to the conventions concluded for that

purpose, in particular, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

15. Since 1990, the Egyptian drug control Office, in cooperation with the United Nations International Drug Control Programme (UNDCP), had been training African officials responsible for the elaboration and implementation of drug laws. Drug abuse had repercussions in the banking sector, through money-laundering, and the economies of States, through the corruption which it engendered. Pursuant to the 1988 Convention against money-laundering, the office had established a special unit to combat money-laundering resulting from illicit drug trafficking. His country was in the process of drafting laws to combat money-laundering, in implementation of the forty recommendations of the Financial Action Task Force established by the Heads of State or Governments of the Group of Seven major industrialized countries.

16. His Government also had established an office to deal with drug addicts. It had amended Egyptian legislation to bring it in line with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, in particular with regard to the criminal prosecution of international criminal organizations and officials who allowed themselves to be corrupted by such organizations.

17. The financial situation of the United Nations should not prevent it from playing its rightful role under the Charter. His delegation certainly understood the concern expressed by the Executive Director of UNDCP regarding the resources allocated for international drug control. Its own economic difficulties notwithstanding, his country always had considered it a matter of honour to make at least a symbolic contribution to the budgets of United Nations bodies concerned with drug control issues, and it endorsed the voluntary character of contributions to the Programme. His delegation urged donor countries to maintain and even increase their contributions and urged international financial institutions to finance drug control programmes without thereby undermining development programmes and, as cautioned in General Assembly resolution 45/147, without such support constitution a form of pressure or interference in the internal affairs of the States concerned.

18. In conclusion, his delegation was grateful to UNDCP for continuing, in cooperation with the specialized agencies, to implement the programmes entrusted to it.

19. Mr. REYES RODRIGUEZ (Cuba) said that his country supported the convening in 1998 of a special session of the General Assembly on international drug control issues. The preparatory process and the three-day session should provide an opportunity to establish genuine international cooperation on drug control.

20. The high-level discussion of the subject in the Economic and Social Council in 1996 had clearly indicated what progress could be made in that field provided that the principles of international law were observed, in particular, respect for the sovereignty and territorial integrity of States and non-use of force or the threat of force in international relations. International cooperation in the field of drug control must be founded on the crucial principles of shared responsibility, the global nature of the process, from production to drug

consumption, and the equality of all the actors involved. In that connection, his delegation condemned the action taken unilaterally by States which set themselves up as the international arbiters of good conduct, while they had achieved only mediocre results in their own territories and were not assuming their rightful share of responsibility at the global level. It was pointless to attempt to create the impression that the drug problem could be resolved by focusing on only one link in the chain.

21. Cuba commended the role played by the United Nations International Drug Control Programme (UNDCP) as the main organ in the joint international effort to combat drug abuse. It also firmly supported the work of the International Narcotics Control Board (INCB) as the independent international authority responsible for the objective and balanced evaluation of the efforts of States to establish a global narcotics control policy and genuine international cooperation in that area.

22. Cuba was geographically situated between the drug-producing countries of the South and the big consumer market of the North and thus could not help being concerned about the illicit transport of drugs. There could be no doubt about its political will to thwart the operations of the traffickers. During the first half of 1996, the Cuban authorities had seized in Cuba's territorial waters or on its shores more than a ton of cocaine and about a ton of marijuana. In October, they had seized a cargo of 1.7 ton of cocaine on board a vessel which had run aground in Cuban waters. Furthermore, Cuba had concluded cooperation agreements with more than 25 countries and was a party to all the treaties on drug issues adopted under the auspices of the United Nations.

23. Mankind had a choice between totally eliminating the scourge of drugs or allowing it to undermine the very bases of civilization. Cuba reaffirmed its determination to shoulder its share of the collective responsibility in the matter.

24. Mr. CAMACHO OMISTE (Bolivia) said that his delegation was speaking on agenda item 102 as coordinator of the States members of the Rio Group. In the opinion of those States - Argentina, Brazil, Chile, Colombia, Costa Rica (representative of the Countries of Central America), Ecuador, Mexico, Panama, Paraguay, Peru, Uruguay, Venezuela and Bolivia - drug abuse and illicit trafficking were the most serious threats to people's health and compromised the social and economic development and the democratic stability of States. While the globalization of trade demanded concerted action by States, it must be acknowledged that they had allowed themselves to be outdistanced in recent years by the ingenuity of the criminal organizations which engaged in cross-border drug trafficking. In September the States members of the Rio Group had appealed to the international community to intensify its dialogue and cooperation in the battle against the consumption, production, trafficking and distribution of illicit drugs, and against related crimes, including the diversion of chemical precursors, money-laundering and arms dealing. They had also pointed out that total compliance with the principle of shared responsibility ought produce more concrete results and a global and balanced view of the drugs problem which would facilitate the coordination of activities at the national, regional and world level in conformity with the principles of international law.

25. The drugs problem was becoming increasingly complex and could not be solved unless the big consumption centres adopted a higher profile in the struggle, in accordance with the principle of shared responsibility. The States of the Rio Group had reaffirmed that an integrated strategy to combat drugs should take into account the social and economic aspects of the phenomenon; it was thus essential to implement social and regional development and substitution programmes designed to improve the living conditions of the rural families concerned.

26. The countries members of the Rio Group had taken note of the report of the Secretary-General on the preparations for and possible outcome of the special session which the Economic and Social Council had recommended that the General Assembly should hold to consider the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities; they were convinced that the United Nations was the strongest body available to the international community to combat the drug threat. They therefore supported the idea of convening the special session and welcomed the Colombian initiative to create a group of experts to participate in the preparations, in conjunction with the Commission on Narcotic Drugs. At their September meeting they had recommended that the Rio Group's Ad Hoc Working Group on Drugs should study the main topics on the agenda of the special session.

27. Ms. SAIGA (Japan), speaking on agenda items 101 and 158, said that her delegation appreciated the technical cooperation activities carried out by the Crime Prevention and Criminal Justice Division pursuant to General Assembly resolution 50/146. In view of the increasing needs in that area, Member States should endeavour to develop and strengthen those activities even further.

28. With regard to the report of the Secretary-General on progress made in the implementation of General Assembly resolutions 50/145 and 50/146 (A/51/327), the Japanese delegation noted that, thanks to the support of very many countries, steady progress had been made in the implementation of the firearms regulation project. However, additional human and financial resources should be assigned to that project, and its implementation should draw on the findings of the study on firearms regulation carried out in various countries.

29. The activities of the Division and its partners in the field of technical cooperation and advisory services for developing countries and countries undergoing reconstruction after armed conflicts deserved commendation. However, the Division must be equipped with the necessary financial and human resources, and improvements must be made in the coordination between the Division and the other entities concerned.

30. In view of the financial constraints on the Organization, it was increasingly difficult to mobilize budgetary and extrabudgetary resources for the United Nations Crime Prevention and Criminal Justice Programme. In that connection the creation of an informal consultative group on the mobilization of resources was welcome, for it ought to contribute to the establishment of a coherent programme of activities and projects, which would include cost estimates.

31. For its part, Japan had decided to make a contribution of $200,000 to the United Nations Crime Prevention and Criminal Justice Fund, $105,700 of which would be earmarked for the firearms regulation project. It was also important for an appropriate share of the Organization's regular budget resources to be assigned to the Division to enable it to perform its allocated tasks and for the Organization to continue to give priority to the Programme within the framework of the medium-term plan for the biennium 1998-2000.

32. In view of the seriousness of transnational organized crime, her delegation believed that the international community should adopt an effective strategy to combat the problem. It would be advisable for the Commission on Crime Prevention and Criminal Justice to study the various options available in that regard.

33. Miss DURÁN (Venezuela) said that the scourge of organized crime was all the more worrying in that many countries were powerless against it. Moreover, it had devastating effects on a country's economy, stability and internal security. Her country, aware of its vulnerability, had recognized the need to formulate a strategy that would permanently mobilize all sectors of the nation.

34. Her Government was currently in the process of reviewing its penal system with a view to establishing penalties for various offenses that harmed the country's economy and jeopardized society and its institutions. The integral security plan formulated at the national level emphasized both prevention and punishment. Furthermore, a presidential commission to combat crime had been established, its role being to mobilize civil society and the State in the fight against crime. Lastly, in accordance with the recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Venezuelan Minister of Justice had launched a plan of action to combat crime in coordination with the country's public and private organizations. Internal measures, however, were insufficient: it was essential to have effective international cooperation that would set common objectives and achieve a better division of responsibilities. In that respect, the planned United Nations convention against organized transnational crime would be very useful.

35. Concerned about the links between organized crime and corruption, her Government welcomed the adoption in Caracas, in March 1996, of the Inter-American Convention against Corruption, the aim of which was to bring the countries of the region together in the fight against the menace of crime, which threatened their stability, undermined democracy and jeopardized the development of their peoples. Under that new instrument, various acts or omissions regarded as corrupt practices were characterized as offenses. The States Parties to the instrument undertook to refuse asylum to persons brought to court or sentenced for corruption offenses and to impound State property acquired as a result of criminal activities.

36. Aware of the need to fight corruption not only at the national level but also at the regional and international levels, her country firmly supported the initiatives taken in the field of technical cooperation by the Commission on Crime Prevention and Criminal Justice and by the Economic and Social Council. Countries, particularly developing countries, should have technical and

financial resources and advisory services at their disposal, and should also receive aid for training officials involved in the administration of justice.

37. Mr. TELLO (Mexico) said that drugs currently constituted such a wide global problem that the customary distinctions between producer country, transit country and consumer country had lost their meaning. Countries were now more and more affected simultaneously by drug consumption, drug trafficking and the related crimes of money-laundering, the diversion of precursors, arms trafficking, terrorism and other criminal activities.

38. The 1995-2000 national drug control programme adopted by his Government assigned a fundamental role to cooperation with other countries, particularly within the framework of the United Nations. No country could confront the common threat in isolation. In that context, his Government welcomed the decision of the Commission on Narcotic Drugs and the Economic and Social Council to recommend the holding, in 1998, of a special session of the General Assembly dedicated exclusively to the problem. His delegation hoped that, at the current session, the General Assembly would support that initiative.

39. The special session of the General Assembly should result in the adoption of specific measures. In that regard, his delegation firmly supported the objectives already identified by the Commission on Narcotic Drugs. For its part, it had circulated a document outlining various ideas concerning the possible outcome of the special session, namely: the codification of international principles governing the prevention, detection and sanctioning of money-maundering, on the basis of the norms contained in various regional instruments, including the recommendations of the Financial Action Task Force of the Organization for Economic Cooperation and Development; the establishment of an international guide of procedures for preventing the diversion of chemical precursors for illicit purposes, which should be based on the provisions of article 12 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; the adoption of an international declaration on guiding principles for the reduction of illicit drug demand; the launching of a world prevention campaign directed at the main risk groups, particularly young people; the formulation, by the competent United Nations organizations and experts, of modalities for the implementation of alternative development programmes; the adoption of specific measures for the mobilization of financial resources for the United Nations International Drug Control Programme (UNDCP); and lastly, the consideration of proposals made by various Governments, including that of Mexico, with a view to combating phenomena linked to drug trafficking, notably terrorism and arms trafficking.

40. In the view of his delegation, the United Nations was obliged to demonstrate its capability to help solve one of the most dramatic challenges facing the contemporary world. He reaffirmed his country's commitment to that task.

41. Mr. KOVANDA (Czech Republic) recalled that the need for wider international cooperation to tackle the drug problem was an issue which had been discussed at the high-level segment of the Economic and Social Council's summer session. Unfortunately, that debate had produced few, if any, practical results. He hoped that future talks on the matter would be more productive.

42. His country was in favour of convening a special session of the General Assembly on the question of drugs with a view to organizing international cooperation to combat the problem. As a member of the Commission on Narcotics Drugs, his country would be participating in the preparation of the session. For the session to succeed, the preparatory body, which should be the Commission, should be given sufficient latitude to enable it to carry out the necessary work. The agenda should focus on key questions with a view to avoiding atomization of the problem. Lastly, the session should be aimed at increasing the efficiency of existing international instruments, rather than at drafting any new ones.

43. His Government appreciated the irreplaceable role which UNDCP played in combating drug abuse at the international level and in particular at the regional level. It was also well aware of the need to find new sources for financing UNDCP. Lastly, an important aspect of international cooperation in combating drugs was the establishment of contacts among law enforcement institutions worldwide.

44. His country's domestic anti-drug policy focused on demand reduction and the coordination of prevention at all levels, with particular emphasis on the most vulnerable population groups, namely young people and children. Legislation which would regulate the whole complex of issues concerning narcotic drugs, particularly precursors, was currently being prepared. Without ample international cooperation, however, it would not be possible to prevent manufacturers and traffickers from diverting such substances for their profit. In that respect, estimates of consumption patterns made by the States Parties to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances could serve as guidelines for authorizing the export of precursors. His country had high praise for the International Narcotics Control Board, which, having successfully enlisted the cooperation of various countries, had managed to reduce substantially the spread of precursors to the illicit network.

45. The international community already had at its disposal a series of instruments for combating drug abuse. It was important that countries which had not yet done so should accede to those instruments and ensure that they were consistently implemented.

The meeting rose at 11.20 a.m.